

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

AMERICAN BENEFIT CONCEPTS, INC.,

Plaintiff,

Case No. 1:09-cv-183

v.

Hon. Robert J. Jonker

MALCOLM SEAN WILLINGHAM,

Defendant.

ORDER DENYING MOTION FOR MORE DEFINITE STATEMENT

Pending before the court is Defendant's Motion for More Definite Statement (docket no. 6). For the reasons more fully stated on the record at the hearing held this date, the motion will be denied. While the bare-bones nature of the complaint lends itself to such a motion, the court is satisfied that plaintiff has met the minimum requirements for providing notice of the grounds for jurisdiction and a statement of the claim sufficient to show that plaintiff is entitled to relief. Additional facts can be filled in by discovery.

Defendant has also alleged that venue lies in this district, but has provided virtually no facts to support that contention. However, while averments of time and place would certainly be useful in possibly precluding an unnecessary motion for a change of venue, the court finds the same are not required. *See, e.g., Matthew v. United States*, 452 F.Supp. 2d, 433, 446 (S.D.N.Y. 2006) (Rule 9(f) does not require pleader to set out specific allegations of time and place, but merely states that such averments are material when they are actually interposed). Defendant still has time to file a motion for change of venue.

The motion is **DENIED**.

IT IS SO ORDERED.

Dated: April 28, 2009

/s/ Hugh W. Brenneman, Jr.
HUGH W. BRENNEMAN, JR.
United States Magistrate Judge